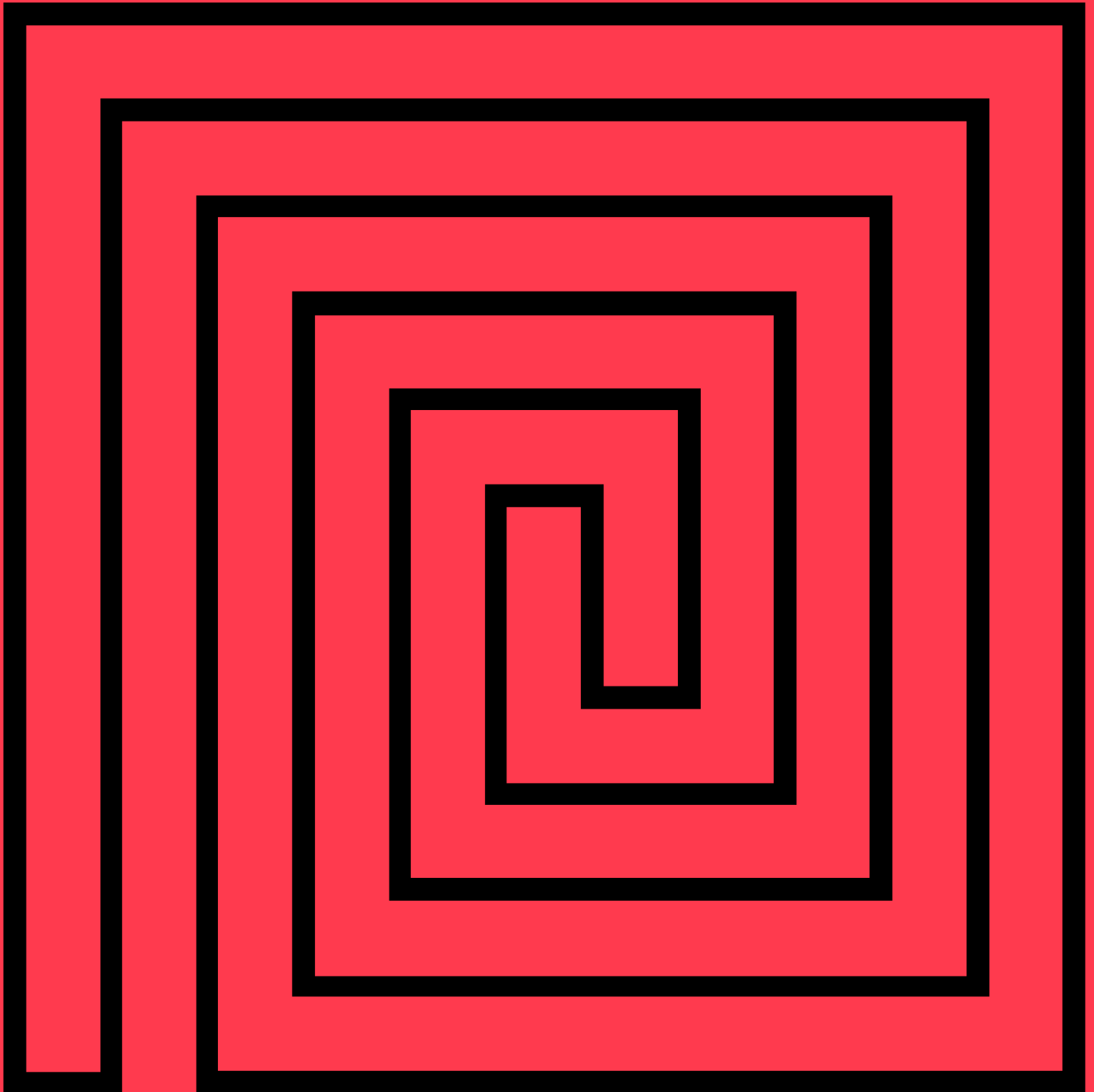


AI & Creativity: Protecting Creators in the Age of AI



On 3 November 2023 at The British Library, as part of the AI Fringe programme, artists, copyright experts and leaders in Artificial Intelligence (AI) came together to discuss the potential impacts of AI models on creators and their Intellectual Property (IP) rights.

Speakers explored the challenges faced by creators in protecting their IP rights, how creators have responded to these challenges and how the creative and tech industries can work together to ensure a fair and just copyright landscape.

Split into two parts, the event began with a panel discussion exploring how creators and copyright owners can safeguard the rights and permissions to their ideas and ensure fair payment. This was followed by a fireside chat responding to the question: Does AI inhibit or enhance artistic expression?

The session brought together a diverse range of perspectives, fuelling a stimulating discussion. As Cristina Carmona Aliaga, chair of the fireside chat, relayed, “The reason we have events like this is to give voice to people that are not usually included in the conversation on AI”.

Featuring a series of discussions centred on AI safety and responsibility, The AI Fringe (30 October – 3 November 2023) took place across London and the UK.

The AI Fringe was staged to complement the UK Government’s AI Safety Summit (1 – 2 November), held at Bletchley Park, where British computer scientist Alan Turing cracked the Enigma code during World War II. The two-day event brought together international governments, leading AI companies, civil society groups and experts in research.

The panellists

Panel discussion

AI & Creativity: Protecting Creators in the Age of AI

— **Dr Hayleigh Boshier**

Associate Dean / Reader in Intellectual Property Law,
Brunel University London

— **Keiken**

Artist Collective

— **Dr Pogus Caesar**

Artist

— **Christian Zimmermann**

CEO DACS

— **Matthew Blakemore**

Chief AI Strategist, AI Caramba!

— **Lara Carmona**

Director of Policy & Engagement, Creative UK (Chair)

Fireside Chat

Innovation or Imitation? Creatives Deciphering AI's Role

— **Lawrence Essex**

Sci-fi Author, Screenwriter, Film Director

— **Justin Hackney**

Creative Director / Filmmaker / Creative AI Community Founder

— **Molly Smitten-Downes**

Art Director and Music Maker

— **Cristina Carmona Aliaga**

Senior Inward Investment Manager – Creative Industries
and Innovation, London & Partners (Chair)

Challenges for creators protecting IP

- **Lack of consent:** Frequently, rights users seek consent only after the creative works have been utilised to train AI models, a practice reflecting a more reactive than proactive approach. OpenAI, for example, allows rights holders to opt out of future models but not the current or historical models, as noted by Matthew Blakemore. Christian Zimmermann called on technologists to work with rights holders. “Permission cannot be an afterthought”, he said, adding that “The right to opt out is OK but rights owners should have been asked in the first place.” Dr. Pogus Caesar stressed prospective rights users need to first ask permission. Rights owners can then say yes or no.
- **Rights holder representation:** Dr. Pogus Caesar observed that galleries and museums often want to deal directly with the artist, but that they valued how DACS can negotiate on behalf of artists and then DACS puts an offer to the artist. Similarly, Keiken artist Isabel Ramos said artists are juggling production, finance and making, and ideally want to be educated about rights in a non-time-consuming way while also being supported to creatively practice.
- **Industry variability:** It was suggested that different creatives face different levels of threat, with DACS CEO Christian Zimmermann saying that illustrators are losing more work than fine art painters or sculptors.



Creators' responses to challenges

- **Perspectives on AI Integration:** The audience were asked if they feel positive about the applications of AI for the cultural and creative industries. By way of show of hands, around 40% of the audience felt optimistic about possible applications of AI for the creative industries, with the majority expressing pessimism. Isabel Ramos of artist collective Keiken suggested the future will be what people make of it. We usually see the future as either utopia or dystopia, said Ramos. Keiken tries to imagine “protopia” in their work, which they as an artist collective have defined as a “world that strives to be better”.
- **Direct democracy:** Policymakers have a role in setting AI rights legislation but Dr Hayleigh Boshier noted creatives need to remember we are part of the decision-making process and voices need to be heard in discussions on AI. “We live in a democratic society and you can go and talk to your MP. The creative industries sector contributed £109bn to the UK economy in 2021. If everyone in the creative industry went knocking, we would have a loud enough voice to be heard; it can be an email, a letter, you can speak to your MP.”
- **Creative trademark and the limits of AI:** Everyone was reminded that AI has limits and can't replicate every aspect of human creativity. Molly Smitten-Downes, who represented the UK at the 2014 Eurovision Song Contest with the song “Children of Universe”, suggested “AI can replicate the product but not live performance, the soul, the faults, the human elements”. Dr. Pogus Caesar said he embraces AI and is not fearful, insisting that “AI cannot replicate my intellect, my moods; it doesn't have the ability to make art, leave it for a while, let it breathe and then go back to it”.

Creative-tech cross-industry collaboration for fair and just copyright

— **Equality under the law:** Dr Hayleigh Bosher insisted that it is unhelpful to polarise sectors and hopes different groups can come together more. “Tech companies are also creators. They are potentially copyright holders, definitely copyright users. Creators are also copyright holders but they are also innovators; they are also using AI.” The IP law academic put forward an argument for equality under the rule of law: “It’s not like these sectors are working in isolation and therefore need different regulation.”

— **Artistic possibilities of AI:** The audience was reminded that many creatives are often open to, and already working, with AI many exploring the expressive, assistive and financial benefits. With 1,000 respondents and 350 comments, DACS CEO Christian Zimmerman provided some headline figures from the organisation’s soon-to-be-released survey. 95% of those surveyed say they want to option to give or withdraw their consent to use their work. 93% report wanting a credit and 94% want compensation and transparency but 83% of respondents would be happy for their work to be used by AI if it is under license. Multimedia artist Dr. Pogus Caesar relayed he used AI to edit his new film *The Tiny Spark* (2023), which reimagines the 1985 Handsworth Riots. Represented by Isabelle Ramos on the panel, artist collective Keiken work with Unreal game engine and blockchain to create art. As Ramos stated, artists are not only redeploying existing technologies in an art context. “If the technology doesn’t serve us, we collaborate and invent new ways using technology.”

— **Labour-saving AI:** Ramos shared that Keiken use AI to speed up the creative process, commenting that the outlook is less dependent on the tech than on how artists and society use AI. “Humans are having to work harder and harder to keep up with AI but it would better if AI did more of what it is good at and allowed us to slow down.” AI can allow artists to spend more time doing what they really love: making art. Sci-fi author Lawrence Essex told the audience, he used Chat GPT to help him write a funding application. On similar note, Justin Hackney suggested using an AI language model to check rights agreements to make sure people “are not being screwed over”.

— **Democratising Creativity:** Justin Hackney suggested, “Everyone’s a creative or will be with these tools.” Chair of the fireside chat Cristina Carmona Aliaga gave an example of 75 year old man who always wanted to write fiction but struggled to come up with ideas. Chat GPT helped him develop different plot lines and characters, and now he can write freely. “AI allows people of all ages to be playful,” said Carmona Aliaga.

Recommendations

1 — Call for response to White Paper: Lara Carmona, Director of Policy, Creative UK said, “There is a clear opportunity for the UK Government to make an unequivocal statement upholding copyright and intellectual property. We are all waiting for a governmental response to a key AI White Paper – we’d like that to come through soon and that reassurance alone would at least be a starting point for the creative community.”

2 — Licensing: As DACS’s survey shows, respondents are happy for AI companies to use their work under license and collecting societies like DACS could issue licenses to AI firms. “There is willingness but there is a need for openness, collaboration and transparency,” said Christian Zimmermann, DACS CEO.

3 — Need for tighter regulation: From a business perspective, AI Strategist Matthew Blakemore commented that codes of conduct for AI already exist but companies are competing with each other and will continue to use creative’s IP without permission unless the law changes. Dr Hayleigh Boshier echoed the need for clarity, observing that many creatives believe technology companies need their permission to use their data for training AI whereas some technology companies argue the opposite. In her view, “We are both firm in our positions, which tells you the law is confusing.”

DACS will publish the full results of its AI survey in January 2024.

A full recording of AI & Creativity: Protecting Creators in the Age of AI is available on the [DACS YouTube Channel](#).



Established by artists for artists, DACCS is a not-for-profit visual artists' rights management organisation.

Passionate about transforming the financial landscape for visual artists through innovative new products and services, we act as a trusted broker for 180,000 artists worldwide.

Founded over 30 years ago, DACCS is a flagship organisation that campaigns for artists' rights, championing their sustained and vital contribution to the creative economy.

We collect and distribute royalties to visual artists and their estates through Payback, Artist's Resale Right, Copyright Licensing and Artimage.

In 2022, we paid £16.4 million in royalties to over 82,000 artists and estates.